

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
IN RE: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	
_____	)	MDL No. 1456
	)	CIVIL ACTION NO. 01-12257-PBS
THIS DOCUMENT RELATES TO:	)	
<b>ALL ACTIONS</b>	)	
_____	)	

**CASE MANAGEMENT ORDER NO. 20:**  
**POST-CLASS CERTIFICATION PROCEEDINGS FOR TRACK 1 DEFENDANTS**

January 31, 2006

Saris, U.S.D.J.

IT IS HEREBY ORDERED as follows:

With respect to Class 1 and Class 2:

1. Summary judgment motions shall be filed by March 15, 2006. Each moving party shall file a brief not to exceed 30 pages.
2. Memoranda in opposition shall be served by March 31, 2006. Each memorandum shall be no longer than 30 pages per defendant.
3. Replies shall be served by April 14, 2006. Each reply memorandum shall be no longer than 15 pages per defendant.
4. Sur-replies of similar length shall be served by April 28, 2006.
5. The hearing on motions shall be held on **May 17, 2006 at 3:00 p.m.**
6. The Court is not aware of any possible Daubert motions on expert testimony for Class 1 and Class 2. If a Daubert motion is likely, the parties shall confer and propose a briefing schedule.

With respect to Class 3:

7. Summary judgment motions and Daubert motions directed to the admissibility of expert testimony shall be filed by July 14, 2006. The page limitations for all summary judgment-related memoranda shall be the same as specified above for Class 1 and Class 2 motions. With respect to Daubert motions, the memoranda shall be no longer than 30 pages. Defendants shall submit one consolidated memorandum; there shall be no individual memoranda from each defendant.
8. Opposition to such motions shall be filed by August 15, 2006.
9. Replies shall be filed by September 15, 2006.
10. Sur-replies shall be filed by September 29, 2006.
11. The summary judgment hearing shall be held on **October 13, 2006 at 2:00 p.m.**, and the Court will set a time for an evidentiary hearing at that time for the Daubert motions if one is necessary.

Trial schedule:

12. The first trial for Class 1 and Class 2 shall commence on September 11, 2006 at 9 a.m. against AstraZeneca. If plaintiffs and AstraZeneca settle, the first trial for Class 1 and Class 2 shall commence against another defendant or defendants in the order the BMS Group, SmithKline Beecham Corporation d/b/a GlaxoSmithKline, the Johnson & Johnson Group, and the Schering Plough Group.
13. The next trial for Class 1 and Class 2 shall begin on or about November 6, 2006 at 9 a.m.
14. When all trials for Class 1 and Class 2 are complete, the Court will commence the Class 3 trial or trials.

A handwritten signature in cursive script, reading "Patti B. Saris", written over a horizontal line.

PATTI B. SARIS  
United States District Judge